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12 UNITED STATES DISTRICT COURT
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SAN FRANCISCO DIVISION

17 SUNPOWER CORPORATION,
18 Plaintiff,
19 v.
20 SUN POWER & GEOTHERMAL ENERGY
21 COMPANY, INC.,
22 Defendant.

CASE NO. C05 03233 VRW

**[PROPOSED] STIPULATION TO
VACATE THE DECEMBER 13, 2005,
CASE MANAGEMENT CONFERENCE
AND OTHER SCHEDULE DATES IN
ANTICIPATION OF SETTLEMENT**

Initial CMC continued to Jan. 24, 2006 9am

23 The parties stipulate as follows:

- 24 1. The parties have reached a settlement-in-principle and hope to finalize their
agreement before the end of December.
- 25 2. Under the current case schedule entered on August 9, 2005, the Case Management
Conference in this matter is presently scheduled for December 13, 2005, and the parties are

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1 required to complete their initial disclosures and file and serve their Case Management Statement
2 and their Rule 26(f) Report on December 6, 2005.

3 3. To conserve judicial resources and to enable the parties to finalize a settlement
4 rather than incurring additional litigation costs, the parties stipulate and respectfully request that
5 the Court vacate the current case schedule and, at its convenience, reset for at least thirty days
6 later, the dates for the Case Management Conference, the completion of initial disclosures, and the
7 filing and serving of the Case Management Statement and their Rule 26(f) Report.

8 DATED: December 2, 2005.

PERKINS COIE LLP

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10 By _____ /s/
11 Terry Fenzl
12 Timothy Franks

13 Attorneys for Plaintiff
14 SUNPOWER CORPORATION

DATED: December 2, 2005.

PRINDLE, DECKER & AMARO LLP

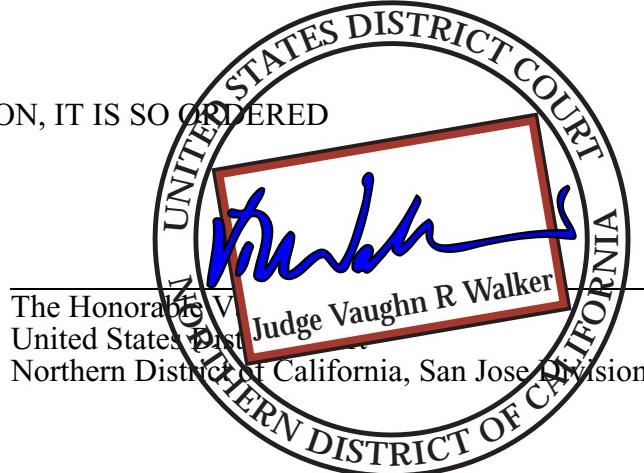
15 By _____ /s/
16 William M. Hake

17 Attorneys for Defendant
18 SUN POWER & GEOTHERMAL ENERGY COMPANY,
19 INC.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED

21 DATED:

22 Dated: December 5, 2005



ATTESTATION PURSUANT TO GENERAL ORDER 45

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document

Executed this 2nd day of December, 2005 at San Francisco, California.

/s/
Stefani E. Shanberg

1 I, Erika R. Eberline, declare:

2 I am a citizen of the United States and am employed in the County of San Francisco, State
3 of California. I am over the age of 18 years and am not a party to the within action. My business
4 address is Perkins Coie LLP, 180 Townsend Street, 3rd Floor, San Francisco, California 94107-
5 1909. I am personally familiar with the business practice of Perkins Coie LLP. On December 2,
6 2005, I served the following document(s):

7 **[PROPOSED] STIPULATION TO VACATE THE DECEMBER 13, 2005, CASE
MANAGEMENT CONFERENCE AND OTHER SCHEDULE DATES IN ANTICIPATION
OF SETTLEMENT**

8 by placing a true copy thereof enclosed in a sealed envelope addressed to the following parties:

9 William M. Hake, Esq.
10 Prindle, Decker & Amaro LLP
11 369 Pine Street, Suite 800
12 San Francisco, CA 94104
Facsimile: (415) 788-3625

13 (By Mail) I caused each envelope with postage fully prepaid to be placed for
collection and mailing following the ordinary business practices of Perkins Coie LLP.

14 (By Hand) I caused each envelope to be delivered by hand to the offices listed above.

15 (By Overnight Mail) I caused each envelope to be delivered overnight by UPS to the
address indicated above.

16 (By Facsimile/Telecopy) I caused each document to be sent by Automatic
Facsimile/Telecopier to the number(s) indicated above.

17 (Electronic Transmission) I caused each document to be sent by electronic mail to the
email address indicated above.

18 I declare under penalty of perjury under the laws of the United States that the above is true
19 and correct and that this declaration was executed at San Francisco, California.

20 DATED: December 2, 2005

21 _____ /s/
22 Erika R. Eberline